

# EXHIBIT L

WINA LOW  
UNITED STATES vs STATE OF GEORGIA

February 28, 2023

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IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF GEORGIA  
ATLANTA DIVISION

UNITED STATES OF AMERICA, )  
 ) CIVIL ACTION  
Plaintiff, ) NO. 1:16-cv-03088-ELR  
 )  
vs. )  
 )  
STATE OF GEORGIA, )  
 )  
Defendants. )  
 )  
- - - - - )

VIDEOTAPE DEPOSITION OF

WINA LOW

Tuesday, February 28, 2023, 8:58 a.m., EST

HELD AT:

Robbins Firm  
500 14th Street, N.W.  
Atlanta, Georgia 30318

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WANDA L. ROBINSON, CRR, CCR, No. B-1973  
Certified Shorthand Reporter/Notary Public

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1     them.   Some have a senior program manager in  
2     between.

3             Do you want me to actually count up?

4             Q     I think I'm going to show you something in  
5     a moment and we can go through it that way.

6             But you have 10 program offices that are  
7     under you?

8             A     I have 10 program managers and/or senior  
9     program managers.   Two senior program managers.   So  
10    eight program managers.

11            Of course, I have an administrative  
12    assistant.

13            Q     So two senior program managers, eight  
14    program managers, and one administrative assistant?

15            A     Uh-hum.   (Affirmative.)

16            Q     I'm going to show you what was previously  
17    marked as Plaintiff's Exhibit 697.

18                   (WHEREUPON, Plaintiff's Exhibit-697 was  
19    marked for identification.)

20    BY MS. TUCKER:

21            Q     Ms. Low, this is an email dated October 9,  
22    2020, from Matt Jones to Matt Jones, with the  
23    subject:   "Announcements."

24                   The Bates number on the bottom of the  
25    first page reads GA01852181, and this document was

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1 produced to us by the State and there's one  
2 attachment.

3 Do you recognize this email?

4 A I would have been copied on it.

5 Q Let's turn to the attachment, so the  
6 second page, with Bates No. GA01852182 on the  
7 bottom.

8 Do you recognize this chart?

9 A To be honest with you, I can't really read  
10 the fine print here. I have my contacts in, but it  
11 is very small.

12 Q Okay.

13 A Do you have something to magnify it?

14 Q Maybe we can show it electronically.

15 MS. TUCKER: One second.

16 It's loading for me and then I'll share my  
17 screen with you.

18 (Discussion ensued off the record.)

19 MS. TUCKER: I want her to be able to  
20 control and zoom in if she needs to.

21 So I'm going to share it.

22 Are you able to give her control?

23 THE VIDEOGRAPHER: You want to go off the  
24 record for a second while we set this up?

25 MS. TUCKER: Yes. Thank you.

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1 THE VIDEOGRAPHER: Going off the record at  
2 9:27.

3 (Discussion ensued off the record.)

4 THE VIDEOGRAPHER: We're back on the  
5 record at 9:28.

6 BY MS. TUCKER:

7 Q Ms. Low, you now have on the screen in  
8 front of you the attachment, which is GA01852182.

9 Do you recognize this Georgia Department  
10 of Education organizational chart?

11 A I do.

12 Q At the bottom it reads that it was  
13 effective October 9th, 2020.

14 Do you see that?

15 A Yes.

16 Q And I'm looking at the third row. Do you  
17 see a box on the left that reads "Federal Programs"?

18 A Yes.

19 Q And underneath that, it says "ESSA  
20 Programs" and "Special Education Services and  
21 Supports"?

22 A Uh-hum. (Affirmative.)

23 Q And are the ESSA programs the title  
24 programs you were speaking to earlier?

25 A Yes, they are.

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1 Q And over to the right is the Special  
2 Education Services and Supports. Do you refer to  
3 this as a division or an office?

4 A Division.

5 Q Division. Thank you.

6 And then looking underneath Special  
7 Education Services and Supports, I see eleven  
8 sub-bullets.

9 A Okay.

10 Q I'm going to go over those now.  
11 Do you see the start of the sub-bullets?

12 A You're talking about Budgets and Grants?

13 Q Yes, ma'am.

14 So do you see "Budgets and Grants"?

15 A I did.

16 Q Do you see "Results Driven  
17 Accountability"?

18 A Yes.

19 Q "Discretionary Projects"?

20 A Yes.

21 Q "Post-school Outcomes and Professional  
22 Learning"?

23 A Uh-hum. (Affirmative.)

24 Q "Family Engagement"?

25 A Yes.

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1 Q "Dispute Resolution"?

2 A Uh-hum. (Affirmative.)

3 Q The sixth one is "Data and Georgia Online  
4 IEP" and then "GO-IEP" in parenthesis?

5 A Uh-hum. (Affirmative.)

6 Q The seventh is "Georgia Network for  
7 Educational and Therapeutic Support," in parenthesis  
8 "GNETS"?

9 A Yes.

10 Q The eighth is "Tiered Systems of Supports  
11 for Students," parenthesis, "MTSS"?

12 A Yes.

13 Q The ninth is "Georgia Learning Resources  
14 System," in parenthesis "GLRS"?

15 A Yes.

16 Q The tenth is "State Systemic Improvement  
17 Plan," in parenthesis "SSIP"?

18 A Yes.

19 Q And the eleventh, the "Georgia  
20 Instructional Materials Center," "GIMC," in  
21 parenthesis?

22 A Yes.

23 Q Are these eleven sub-bullets eleven  
24 separate offices within your division?

25 A No. There are major pieces of work. You

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1 know, some are, as we call them, units. The office  
2 of Federal Programs is a division of Special  
3 Education, and then we have units that work, but  
4 there has never been a separate unit for Systemic  
5 Improvement. It's always been part of another one.

6 Q Are these same eleven units in existence  
7 today?

8 A Budget and Grants, RDA, Results Driven  
9 Accountability. We don't have a unit called State  
10 Initiatives and Discretionary Projects. I mean that  
11 reference is really the funding mechanism there. We  
12 certainly have work going on in that area but we  
13 don't have a unit called that.

14 Post-school Outcomes and Professional  
15 Learning, that work continues, it's just under a  
16 different name, Outreach now. Outreach and Family  
17 Engagement.

18 Q Okay. And then going further, are they  
19 all the same?

20 A Dispute Resolution, so Family Engagement  
21 moved with Outreach rather than being with Dispute.

22 We still have Data and GO-IEP.

23 GNETS, we have a program manager.

24 And the MTSS unit is not with us any  
25 longer. It moved to the Office of Whole Child.



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1 Q So prior to 2016, when you were an  
2 education program specialist, did you work with  
3 anyone in GaDOE related to the GNETS program?

4 A No, I didn't work with them that I recall.

5 Q Were you no longer working with Sandy  
6 DeMuth?

7 A Well, when I came to the Special Ed  
8 Division it was not one of my duties to collaborate  
9 with Sandy.

10 Q And you just said that in 2016 you believe  
11 is when GaDOE hired a GNETS program manager?

12 A Somewhere in that time, while I was --  
13 while I was still a program specialist, the first  
14 program manager that I know anything about was hired  
15 and her cubicle was across from mine. That's the  
16 only reason I know that.

17 Q And who was that?

18 A Nakeba Rahming.

19 Q But you did not interact with her?

20 A Not more than just hey.

21 Q Office friends?

22 A Logistical kind of things.

23 Q When you were education program  
24 specialist, did you work with the regional GNETS  
25 programs?

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1 needs."

2 Do you see that?

3 A Yes, I do.

4 Q Do you agree with that statement?

5 A It could vary by location.

6 Q What would vary?

7 A The available services.

8 Q Are you talking about the available  
9 therapeutic services?

10 A Yes.

11 Q Do all regional GNETS programs provide  
12 therapeutic counseling services to their students?

13 A I'd have to answer that by that's the  
14 expectation. I don't have the data in front of me  
15 to confirm that.

16 Q Is that something that the GNETS program  
17 manager looks at in the strategic plan?

18 A It is something that she collects, and we  
19 have reviewed that together, but I don't recall the  
20 exact specifics but we have.

21 Q Do you see in the next sentence, quote:  
22 "The requested funding will provide clinical staff  
23 for all 24 GNETS programs to support the therapeutic  
24 and behavioral needs of students receiving GNETS  
25 services"?

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1           A       Again, I can kind of see the sheet in my  
2       mind, but I don't remember if we had an accounting  
3       for each type of service. It was just primarily  
4       overall that I recall.

5           Q       Got it. Thank you.

6                   MS. TUCKER: I'd like the court reporter  
7       to mark the following document as Plaintiff's  
8       Exhibit 933.

9                   (WHEREUPON, Plaintiff's Exhibit-933 was  
10       marked for identification.)

11       BY MS. TUCKER:

12           Q       Ms. Low, this is an October 22nd, 2021  
13       email produced by the State. It is to you and Shaun  
14       Owen, from Vickie Cleveland, and the subject reads:  
15       "Clinical Support."

16                   There are four attachments.

17                   And the Bates number on the bottom of the  
18       first page is GA03677596.

19                   Ms. Low, do you recognize this email?

20           A       I do. This is what I was referring to.

21           Q       Okay. In her email Vickie Cleveland wrote  
22       she attached documents that were to be discussed at  
23       a meeting that morning. So October 22nd, 2021; is  
24       that correct?

25           A       I'd have to check my calendar to make sure

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1 it was the 22nd.

2 Q Do you see how Vickie writes: "See  
3 attachments discussed at our meeting this morning"?

4 A I think she's talking about our Wednesday  
5 meeting. She often sends things just prior to the  
6 meeting to have them at hand.

7 Q Understood.

8 Do you recall speaking to Vickie Cleveland  
9 about these documents?

10 A I do.

11 Q Let's look at the first -- did anyone else  
12 join those conversations?

13 A Shaun was in this conversation. I don't  
14 remember if it was this exact time or if it was at  
15 another time that we scheduled to talk with her, but  
16 she was -- she definitely has had this information.

17 Q Let's look at the first attachment. So  
18 that's the document that has GA3677597 at the  
19 bottom. So it should be the second page.

20 Do you see it?

21 A Yes.

22 Q At the top does it read "FY22 Georgia  
23 Network for Educational and Therapeutic Support  
24 (GNETS) Clinical Supports Map"?

25 A It does.

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1 Q Am I correct that it is showing the  
2 clinical staff to student ratio at the 24 regional  
3 GNETS programs?

4 A Yes.

5 Q And there's color shading whether there is  
6 one clinical staff for seven to 19 students, one  
7 clinical staff for 20 to 49 students, and one  
8 clinical staff for 50 to 110 students?

9 A Yes.

10 Q Am I correct that for one clinical staff  
11 for seven to 19 students there are eight out of the  
12 24 regional GNETS programs shaded?

13 A Yes.

14 Q And then am I correct for one clinical  
15 staff for 20 to 49 students there's also eight  
16 regional GNETS programs shaded?

17 A Yes.

18 Q And then for the one clinical staff for 50  
19 to 110 students, am I also correct that there are  
20 eight out of 24 regional GNETS programs shaded?

21 A Yes.

22 Q Do any of these ratios concern you?

23 A They certainly do.

24 MR. BEDARD: Object to form.

25 Q Which ratios concern you?

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1 MR. BEDARD: Object to form.

2 A The 20 to 49, 50 to 110.

3 Q And why do they concern you?

4 A The level of support that this implies  
5 that we're providing, that the regions are  
6 providing.

7 Q Has GaDOE taken any steps to respond to  
8 these concerns?

9 MR. BEDARD: Object to form.

10 A We have internally discussed this. We  
11 have the funds flowing to this. We have discussed  
12 some changes possibly with our funding to increase  
13 therapeutic services on top of that, but nothing has  
14 been determined. Collecting the information,  
15 talking to the GNETS about this.

16 But we don't have control over who they  
17 hire.

18 Q And you say there's funds flowing. What  
19 do you mean by that?

20 A The grant fund that we examined, the  
21 American Rescue Plan funds, that was designated  
22 completely for therapeutic services. So they can't  
23 even enter anything in a budget through the  
24 consolidated application for something other than  
25 that.

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1                   And then of course we're encouraging them  
2                   to use their federal funds more related to the  
3                   therapeutic services, but we are not their fiscal  
4                   agent and -- nor their advisory committee through  
5                   their special ed directors.

6           Q       And you said you've made some changes.  
7           What changes are you referring to, in GaDOE?

8           A       I don't believe I said we made some  
9           changes. We're considering.

10          Q       And what are those changes that you're  
11          considering?

12          A       Possibly to specify that an additional  
13          portion of the federal funds may be restricted to  
14          therapeutic services, but no decision has been made.

15          Q       Who makes that decision?

16          A       The decision would be made in conjunction  
17          with myself, Vickie, and Shaun. Shaun, of course,  
18          is our supervisor.

19          Q       And I believe you said that you're  
20          collecting information from the GNETS, regional  
21          GNETS programs?

22          A       This is the information collected.

23          Q       But this is an ongoing discussion?

24          A       It is.

25          Q       When is the last time you discussed this?

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1           A     It's by touching the pad, because a  
2     message came up after your last trip that said you  
3     got to touch that before you can have control.

4           Q     You'll be very prepared for the next time  
5     we show you an electronic exhibit.

6                     So this spreadsheet has two tabs. So  
7     we're going to look at the first sheet, which is the  
8     one you are currently looking at.

9                     What does this spreadsheet show?

10          A     This looks like the data that -- exactly  
11     what we were discussing, and it is collected by the  
12     actual type of service.

13          Q     By actual type of service, you mean that  
14     --

15          A     A nurse, a BCBA, school counselor, things  
16     that you typically think about with therapeutics.

17          Q     So I'm correct that it identifies the 24  
18     regional GNETS programs and then lists the number of  
19     certain clinical and therapeutic staff members that  
20     they have?

21          A     I haven't scrolled all the way down.

22          Q     I'll let you do that.

23          A     Yes, it appears to have everybody.

24          Q     Are you surprised by any of these values?

25          A     We were very shocked.



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1 A No.

2 Q Rutland Academy does not have a nurse?

3 A No.

4 Q Rutland Academy does not have an  
5 RBT/behavior?

6 A No.

7 Q What is that?

8 A It's the stepdown from a BCBA. It's a  
9 quicker registered behavior therapist, quicker  
10 program and not so many hours to intern to receive  
11 that.

12 A lot of school districts are having  
13 paraprofessionals achieve that credential.

14 Q Rutland Academy has one LPC/LCSW/social  
15 worker/tech?

16 A Yes.

17 Q And Rutland Academy does not have a  
18 music/art therapist?

19 A No.

20 Q And so Rutland Academy has one clinical  
21 staff; is that correct?

22 A That's what this shows.

23 Q And that is funded by the State grant?

24 A Yes. And federal funds.

25 Q Can you move over to that -- over where --